TESTIMONY OF
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U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
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OF THE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
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Good morning, Mr. Chairman and Members of the Subcommittee. My name is Elaine Stanley, and I am the Director of the Office of Information Analysis and Access, within the Office of Environmental Information (OEI) at the U.S. Environmental Protection Agency (EPA). In that capacity, I manage the Agency's program that provides public access to EPA's information resources. This includes what is made available via our web sites. In light of recent events and heightened concerns about national security, I am pleased to appear before the Subcommittee today to discuss the steps that EPA is taking to assess the sensitivity of information that we make available via the Internet.

OEI was created in October 1999 to be a strategic resource for the Agency, industry, and the public. We work with EPA's many internal and external stakeholders and partners to develop and oversee information-related policies and procedures. One of OEI's major functions is to provide the public with reliable and useful information on environmental quality, status, and trends. This empowers all EPA stakeholders and partners to understand environmental and public health conditions in their communities at regulated facilities, across economic sectors, or within geographic areas such as the Chesapeake Bay.

Pursuant to the authority provided by the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), the 1990 Clean Air Act Amendments, and subsequent legislation, EPA continues to be strongly committed to providing public access to environmental information. We firmly believe that public access to our information resources contributes positively to the public's ability to understand environmental issues and to its ability to make better "protection" decisions in daily life.

One recent example of OEI's commitment to this responsibility has been our effort to create a data management system to collect and present the on-site monitoring information provided by eleven different agencies involved in the clean-up efforts in New York and at the Pentagon. This data management system offers to on-site emergency response personnel daily updates on asbestos levels and other health risks. We also make these data available to the public via EPA's web site.

The tragic events of September 11 have compelled us to carefully review all of the information we make available to the public over the Internet in a new light. EPA, like other Federal agencies, has been assessing the potential for misuse of government information by working to screen the large array of databases, tools, and models currently available.

EPA's Inventory and Assessment of Publicly Accessible Information

EPA has developed four criteria for assessing the sensitivity of our information resources: "type," "specificity," "connectivity," and the "availability" of information. Information on a facility's or a pollutant's location, chemical identification, volume, acute effects, and plant processes and management falls within the "type" criterion. The "specificity" criterion builds on the type of information and assesses the level of detail available for each type. The "connectivity" criterion looks at the degree to which individual pieces of information can be connected to create realistic scenarios. Finally, the "availability" criterion assesses the level of control that EPA has over releasing the information. This criterion

ascertains whether or not EPA is the sole provider of a particular piece of information. If information is widely available through other sources outside of EPA's control -- such as information available from State or local government agencies, public interest groups, in textbooks or from universities -- then EPA's removal of the information may not substantially alter its availability.

In conjunction with our developing criteria for assessing the sensitivity of our information, EPA compiled an inventory of our web-based information resources. At this time, over 180 resources have been assessed using the criteria.

Of all the information resources screened to date, only Risk Management Plan Information (*RMP Info)* has been removed from EPA's web site while we complete our assessment. *RMP Info* contains information on facility Risk Management Plans (RMP) required by the Clean Air Act. Since 1997, EPA has been working with the Department of Justice (DOJ) and other security agencies regarding the posting of RMP information on the Internet. With the passage of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRRA), and based on an assessment of hazards associated with the data required by the Act, EPA and DOJ published a joint regulation which controlled access to sensitive data elements of the RMP. The remaining data elements were made available on the Internet. EPA has temporarily removed the RMP data because of its high visibility during the debate leading to the passage of CSISSFRRA. We are continuing to assess the issues related to providing Internet access to RMPs in light of the terrorist attacks of September 11. In the meantime, State and local officials and the public may obtain facility RMPs from the Agency upon request.

There are important statutory directions to the Federal government at large and to EPA in particular, promoting and maintaining the public's right to know about the environment. The Freedom

of Information Act (FOIA) provides the public with the right to access agency records, upon written request and subject to applicable exemptions. Congress enacted the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA) to address the subject of electronic records as well as FOIA reading rooms, agency backlogs of FOIA requests, and various procedural issues. The E-FOIA also requires that frequently requested records that are provided to the public be made available through the Internet. Requirements for public access to information (electronic or otherwise) can also be found in EPCRA, the Safe Drinking Water Act, the Clean Air Act, CSISSFRRA, and other environmental statutes.

Conclusion

I would like to reiterate EPA's strong commitment to providing public access to environmental information and our firm belief that public access contributes positively to our citizens' ability to understand environmental issues and to make better decisions in their daily lives. An informed public can hold government and industry accountable for pollution control efforts.

EPA is aware that we need a balance between protecting sensitive information in the interest of national security and maintaining access to the information that citizens can use to protect their health and the environment in their communities.

EPA is committed to achieving our public access goals in a responsible manner. We believe that the work we have done to assess the sensitivity of our information resources has been and will continue to be a worthwhile effort. We have screened our information assets to help us judge the kinds of information that require special consideration. The inventory we have developed makes us more knowledgeable about our broad information resources. It also provides us with a means for managing

our web site which will continue to serve us in many ways in the future. Thank you for the opportunity

to appear before you this morning. I would be pleased to answer any questions that you may have.